

REMARKS/ARGUMENTS

The present application discloses an apparatus and method in which a user can select a set of broadcast channels based on the user's current location and other preferences, such as favorite programs (Specification, page 4, lines 5-7).

Reconsideration of the application, as amended, is requested. Claims 1, 15-17, 28, 32, 35, and 39 have been amended. Claims 2-3, 14, 30, 40, and 42 have been cancelled. No new matter has been added. Claims 1, 4-13, 15-29, 31-39, and 41 remain pending in this application.

In section 4 of the Office Action, the Examiner rejects claims 1 and 3-41 under 35 U.S.C. §103 as being unpatentable over Lee et al. (US 6,374,177) in view of Marrah et al. (US 6,728,522), in view of De Bonet et al. (US 6,985,694), and further in view of Schwob (US 4,969,209). Applicant has amended claims 1, 15-17, 28, 32, 35, and 39 to overcome this rejection.

More specifically, Applicant has now amended independent claims 1 and 35 to now include the limitations of: 1) the database includes program information associated with each of the plurality of AM/FM broadcast locations for a given time of day; and 2) the local database of AM/FM broadcast sources is dynamically updatable. Support for the first limitation (i.e., the database containing program information) may be found within the specification at page 19, line 26 to page 20, line 27, and Fig. 4B and the support for the second limitation (the dynamically updatable database) may be found within the specification at page 9, line 16 to page 10, line 2. Thus, when the listener enters a program choice, the apparatus/method searches the program information within the database for any broadcast sources currently broadcasting the listener's program choice and selects the matching choices for presentation to the user. Such a database must be dynamically updatable since programming information changes from day-to-day, and program information needs to be readily updatable to reflect the programming changes.

In section 5 of the Office Action, the Examiner states that Lee, Marrah, and DeBonet do not specifically disclose a local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations and wherein a group of live AM/FM broadcast signals is selected from the plurality of live AM/FM broadcast signals based on the local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations. The Examiner further states that Schwob, however, does disclose a local database (e.g., database stored in the ROM chip 3) of AM/FM broadcast locations and wherein a group of live AM/FM broadcast signals is selected from the plurality of live AM/FM broadcast signals based on the local database of AM/FM broadcast sources for a plurality of AM/FM broadcast locations.

Schwob discloses a broadcast receiver capable of selecting a broadcast station based upon a user selected program format and the geographical location of the receiver (Schwob, Abstract). The receiver includes a memory storing a database of information relating to frequencies of broadcast stations broadcasting into particular geographical locations and the program format of each such broadcast frequency (Schwob, Abstract). The memory storing the database is a read-only-memory (ROM) 3 (column 3, lines 60-62).

As stated above, Applicant has now amended independent claims 1 and 35 to now include the limitations of including program information in a dynamically updatable database, thus enabling a listener to search for a particular program playing at the instant of the search. Applicant respectfully submit that the new limitations of claims 1 and 35 better distinguish over the cited prior art.

Schwob selects a broadcast station based on user selected program format (Abstract). In contrast to Schwob, the present invention not only contemplates selection based on program format, it further enables the listener to select **a specific program** (specification at page 19, line 26 to page 20, line 27, and Fig. 4B). Thus, by way of example, if a listener wishes to find a broadcast of the New York Yankee game currently being played, under the Schwob device, a multiplicity of stations would be identified as being of a "sports" program format. The user would then be forced to individually step through the multiplicity of stations identified as being

“sports” format stations until the NY Yankee game is located. By contrast, under the present invention, the listener would be able to select a program choice of “NY Yankees” and only stations currently broadcasting the NY Yankee game would be selected.

Further, Schwob actually teaches away from the concept of searching for specific programs, since its database is a non-updatable entity. Column 3, lines 60-66 of Schwob states, “In accordance with the invention, a read-only-memory (ROM) 3 is included in order to store information intended to be displayed. This information includes the identification of the various broadcasting stations, for instance in the case of U.S. stations: the frequency of each, the station call letters; the location, that is city and state; and even the format (type of programming).” Schwob neither discloses nor suggests updating the database of information in the ROM. Thus, the database of information encapsulated in the Schwob ROM is static. For station formats, this is relatively less problematic, since stations switch program formats relatively infrequently. However, program information is dynamic, changing hour-to-hour, and day-to-day, thus necessitating the ability to frequently and dynamically update the database with updated program information. Schwob, though it’s non-updatable ROM, would be completely inadequate for providing searchable program information given that its database is static and not updatable. In contrast, the present invention provides a facility for frequent dynamic updates of the program information within the database (Specification at page 9, line 16 to page 10, line 2), thus enabling a powerful new feature for the listener.

Additionally, the Lee et al. (US 6,374,177), Marrah et al. (US 6,728,522), and De Bonet et al. (US 6,985,694) references, taken alone or in combination with Schwob, do not provide the claimed features of: 1) the database including program information associated with each of the plurality of AM/FM broadcast locations for a given time of day; and 2) the local database of AM/FM broadcast sources being dynamically updatable.

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In view of the foregoing comments and amendments, the Applicant respectfully submits that independent claims 1 and 35, as amended, are now in condition for allowance. Applicant further submits that dependent claims 4-13, 15-29, 31-34, 36-39, and 41 depend, either directly or indirectly from claims 1 and 35, which for reasons stated above, are now submitted as being in condition for allowance. Thus Applicant submits that claims 4-13, 15-29, 31-34, 36-39, and 41 are also now in condition for allowance and that the application should be passed to issue.

The Examiner is urged to call the undersigned at the below-listed telephone number if, in the Examiner's opinion, such a phone conference would expedite or aid in the prosecution of this application.

**CERTIFICATE OF ELECTRONIC
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I hereby certify that this correspondence and any enclosures are being electronically transmitted via EFS-WEB on the date indicated below.

July 11, 2008

(Date)

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